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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,208	05/23/2007	Dirk John	1034193-000053	3193

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BUCHANAN, INGERSOLL & ROONEY PC  
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EXAMINER
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LEE, DOUGLAS S

ART UNIT	PAPER NUMBER
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2121

NOTIFICATION DATE	DELIVERY MODE
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01/26/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/581,208	<b>Applicant(s)</b> JOHN ET AL.	
	<b>Examiner</b> DOUGLAS S. LEE	<b>Art Unit</b> 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                                          |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                              | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                                     | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/1/2006, 5/23/2007, 01/02/2008</u> . | 6) <input type="checkbox"/> Other: ____.                                                |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 17, independent claims 1 and 17 specify an arrangement and a method for the directed provision and installation of device-specific functionalities and/or information for field devices which are arranged in a distributed system. In this case, it is not clear what directed provision and installation are. Furthermore, independent claims 1 and 17 specify, inter alia, that provision is made of at least one device-specific component which interacts with at least two functional units which are connected to it. Apart from the fact that it is not clear what a device-specific component and a functional unit are, the broad formulation, which basically says nothing other than at least one unit interacts with at least two others, includes such a large number of possibilities that the subject matter of independent claims 1 and 17 is completely unclear. Claim 1 claims an arrangement. In this case, the category of the claim is not clear.

Regarding claims 2 - 16 and 18 – 32, these claims are dependent on claim 1 and claim 17, respectively, and are thus likewise not clear. On account of the abovementioned lack of clarity and the fact that, even using the description and the

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drawings, it is, at best, possible to make assumptions regarding the subject matter of claims 1 - 32, a meaningful.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-32, as best understood by the examiner, are rejected under 35 U.S.C. 102(b) as being anticipated by Krivoshein et al. (US Pat. # 6,446,202).

Regarding claim 1, Krivoshein et al. disclose an arrangement for directed provision and installation of device-specific functionalities and/or information for field devices which are arranged in a distributed system, with at least one device-specific component being provided, which interacts with at least two functional units which are linked to it, and in which means are provided at least in one device-specific component which automatically result in provision and installation of device-specific functionalities and/or information for the field devices, which are stored in the functional units (see figs. 1-5B, cols. 7-21).

Regarding claim 2, Krivoshein et al. disclose the arrangement that is stored in a memory medium (see figs. 2 and 4, cols. 13-16 and 17).

Regarding claim 3, Krivoshein et al. disclose wherein the device-specific functionalities and/or information which are/is stored in the functional units are/is provided and installed in a higher-level control system or controller relating to the distributed system for the field devices (see figs. 1-3, cols 7-21).

Regarding claim 4, Krivoshein et al. disclose wherein the device-specific functionalities and/or information which are/is stored in the functional units are/is installed by means of an automatically running installation process (see cols. 13-17).

Regarding claim 5, Krivoshein et al. disclose wherein configuration tools are provided for installation of the communication between the field devices and/or with the higher-level control system or controller (see cols. 17-21).

Regarding claim 6, Krivoshein et al. disclose wherein network components are provided for installation of the network links for a specific communication architecture (see figs 1-2, cols. 7-21).

Regarding claim 7, Krivoshein et al. disclose wherein the functional units are device documentation and/or device core data and/or device parameters and/or device drivers and/or control functions and/or setting-up functions and/or diagnosis functions and/or maintenance functions and/or optimization functions and/or alarm processing functions and/or life functions (see figs. 1-4, cols. 7-21).

Regarding claim 8, Krivoshein et al. disclose wherein the device-specific components and/or the configuration tools and/or the network components can be installed in an installation process (see figs. 1-4, cols. 7-21).

Regarding claim 9, Krivoshein et al. disclose wherein the device-specific components, the configuration tools and/or the network components can be installed selectively (see figs. 1-4, cols. 7-21).

Regarding claim 10, Krivoshein et al. disclose wherein drives and/or motor protection units and/or switchgear assemblies and/or sensors, in particular sensors for

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pressure, temperature and flow rate measurements, and/or low voltage devices and/or actuators and/or analysis devices are used as field devices (see col. 1, lines 20-30).

Regarding claim 11, Krivoshein et al. disclose wherein device-specific functionalities and/or information are/is recorded as data structures and/or program components in the device-specific components (see figs. 1-4, cols. 7-21).

Regarding claim 12, Krivoshein et al. disclose wherein device-specific components are tested for the correctness and/or completeness of the device-specific functionalities and/or information (col. 15).

Regarding claim 13, Krivoshein et al. disclose wherein device-specific components can be extended in a modular form (see fig. 1).

Regarding claim 14, Krivoshein et al. disclose wherein the distributed system is a distributed automation system (see fig. 1).

Regarding claim 15, Krivoshein et al. disclose wherein the higher-level system is a process control system or a programmable logic controller (see figs. 1 and 4).

Regarding claim 16, Krivoshein et al. disclose wherein the field devices communicate with the higher-level control system or controller via a fieldbus protocol which is in the form of PROFIBUS and/or PROFINet and/or FOUNDATION fieldbus and/or HART (see fig. 2).

Regarding claims 17-32, these method claims are rejected for the same reasons applied above rejected apparatus claims 1-16.

### ***Conclusion***

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1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Douglas Lee, whose telephone number is (571) 272-3745. The examiner can normally be reached on Monday-Friday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Albert Decady, can be reached on (571) 272-3819 or via e-mail addressed to *[albert.decady@uspto.gov]*. The fax number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to **[doug.lee@uspto.gov]**.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (in USA or CANADA) or 571-272-1000.

**Douglas Lee**

/Albert DeCady/

Supervisory Patent Examiner, Art Unit 2121

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